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EXAMINER	
SILBERMANN, JOANNE	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 14

Application Number: 09/837,932
Filing Date: April 19, 2001
Appellant(s): MUELLER, CHRISTINE ANN

Forrest L. Collins, Esq.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 12, 2003.

It has been brought to the attention of the examiner that the examiner's signature and the initials of the conferees are missing from the Examiner's answer. A substitute final page of the brief is attached hereto showing the appropriate signature and initials.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1, 3-14, 16-18.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims **1, 7 and 9* do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). However,

Applicant's refusal to separately argue claims 13 and 18 indicates that these claims will stand or fall with the others.

(8) Claims Appealed

A substantially correct copy of appealed claim 7 appears on page 8 of the Appendix to the appellant's brief. The minor errors are as follows: the phrase "at least one of said eroded transparent glass member, said eroded translucent glass member, or" should be inserted after "wherein".

(9) Prior Art of Record

5,027,258	SCHONIGER et al.	6-1991
4,922,384	TORRENCE	5-1990

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoniger et al. US #5,027,258 in view of Torrence, US #4,922,384.

Schoniger et al. teach a lighting system including frame member 16 having void portion 14, electrical light source emitter 15 in the void, transparent or translucent (a transparent member is also considered to be translucent) glass member 10 (acrylic glass, as described in column 4 line 13), and opaque member 19. Light source emitter 15 contacts panel 10 as in Figure 4. The transparent/translucent panel is held in the void (see all Figures). Frame 16 is considered to be a picture frame or a window frame. The glass member partially retains the light source within the void. The symbols (or

logo) 13 are milled into the panel. The method by which the symbols are "eroded" or etched into the panel is not germane to the issue of patentability of the device itself. Schoniger et al. do not teach a particular material for the opaque member. However, glass is well known in the art of illuminated displays. It would have been obvious to a person having ordinary skill in the art to utilize glass since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claim 3, the light source extends around the void.

Regarding claim 7, Schoniger et al. teach coatings (column 4 line 30) for applying the symbols.

Schoniger et al. do not teach the opaque panel as being mirrored, however, this is well known in the art. Torrence teaches a display including rear opaque mirror 75 (Figures 9-11). Mirror 75 enhances the display. It would have been obvious to one of ordinary skill in the art to utilize a mirrored rear surface in the device of Schoniger et al. to create a more interesting display, as discussed in Torrence.

Schoniger et al. do not teach a rope of lights for illumination, however, this is well known in the art. Torrence teaches a lighting system including rope light 45. It would have been obvious to a person having ordinary skill in the art to utilize such a rope light in the

device of Schoniger et al. to provide illumination that is easy to use so that illumination can be provided around the display as desired.

(11) Response to Argument

1. Applicant argues that Schoniger et al. do not teach the light source contacting the glass member. However, Figure 4 shows such contact. Column 2 lines 35 and 36 state "The holes for receiving the LED's may then extend into the light guide panel."

2. Regarding the combination of Schoniger et al. and Torrence, Torrence teaches a reflective back panel, 75. Such a panel provides a more interesting display, as discussed in Torrence, column 4 lines 1-10. The panel provides multiple reflections and multiple images when the display is illuminated.

3. Regarding claim 7, the after final amendment was not entered. The references read on the claim as discussed in the above rejection.

4. Regarding claim 9, Applicant argues that the "rope" lighting is not individual bulbs, however, Applicant's Figures, particularly Figure 3, appear to show individual bulbs. If Figure 3 is an accurate description of Applicant's invention, the rope light of Torrence (see Figure 3 of Torrence) reads on Applicant's claims.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Js
July 8, 2005

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